

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
WILKESBORO DIVISION

IN RE:	]	
	]	Case No. 11-50225
CLARENCE YOUNG FRIZSELL	]	
MELODY DIANE FRIZSELL	]	Chapter 7
	]	
<u>Debtors</u>	]	

MOTION FOR TURNOVER

The Trustee, by counsel, hereby moves the Court for an Order granting turnover of non-exempt equity of the Debtors, and in support thereof states as follows:

1. The above-referenced are Debtors having filed a Petition for Relief under Chapter 7 of Title 11 of the United States Code on February 28, 2011. The Section 341 Meeting was held on April 4, 2011. Barrett Crawford is the Chapter 7 Trustee in this matter.
2. The Debtors' presented non-exempt equity including a .37 acre lot in Watauga County valued at \$17,900.00 with no lien. The Trustee is attempting to sell this property independent of this Motion.
3. Additional non-exempt equity shown on the Debtors' petition totals \$7,146.81.
4. The Debtors have paid \$5,500.00 toward this non-exempt equity. However, despite the Trustee's requests for a payment plan for the remaining non-exempt equity, there is no current agreement for the Debtors' turnover of the non-exempt equity totaling \$1,646.81.

**WHEREFORE**, the Trustee prays for an Order requiring turnover of the \$1,646.81 on an orderly basis, and for any such other and further relief as the Court may deem appropriate under the circumstances.

This the 3rd day of October, 2011.

LAW OFFICE OF BARRETT L. CRAWFORD, P.A.

/s/  
Barrett L. Crawford, Trustee and Attorney for the Trustee  
North Carolina State Bar Number 15807  
P.O. Box 400, Valdese, NC 28690-0400  
(828) 879-2001/(828) 879-8355 (Facsimile)

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_____ Debtors	]	

**NOTICE OF MOTION AND HEARING**

TAKE NOTICE that Barrett L. Crawford, Trustee in this case, has filed a Motion for Turnover, a copy of which is attached.

**Your rights may be affected. You should read this Notice carefully and discuss it with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to approve the relief requested, or if you want the Court to consider your views on the Trustee's request, then on or before fifteen days from the date of this notice, you or your attorney must do three (3) things:

**1. File with the Court a written response explaining your position at:**

U.S. Bankruptcy Court  
P.O. Box 34189  
Charlotte, NC 28234-4189

If you mail your request to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

**2. On or before the date stated above for filing your written response, you must also mail or fax a copy of your written response to:**

Barrett L. Crawford  
P.O. Box 400  
Valdese, NC 28690-0400  
Fax: (828) 879-8355

**3. Attend the hearing that will be held on Friday, November 4, 2011 at 10:30 a.m., United States Bankruptcy Court, Johnson J. Hayes Federal Building, Courtroom # 201, 207 West Main Street, Wilkesboro, North Carolina 28697.**

11-50225

If you or your attorney do not take these steps, the Court may decide that you do not oppose the hearing as set out above and may enter an order allowing the relief requested.

This the 3rd day of October, 2011.

LAW OFFICE OF BARRETT L. CRAWFORD, P.A.

/s/

Barrett L. Crawford, Trustee and Attorney for the Trustee  
North Carolina State Bar Number 15807  
Post Office Box 400  
Valdese, North Carolina 28690-0400  
Telephone: (828) 879-2001  
Facsimile: (828) 879-8355

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Motion for Turnover was duly served on the parties of this action by depositing a copy of same in the U. S. Mail, postage prepaid, and addressing it to the following:

Allen W. Wood, III (Via ECF)

Clarence Young Frizsell  
Melody Diane Frizsell  
1536 10<sup>th</sup> Street Pl NW  
Hickory, NC 28601

This the 3rd day of October, 2011.

LAW OFFICE OF BARRETT L. CRAWFORD, P.A.

/s/

\_\_\_\_\_  
Kelly Gunter  
Legal Assistant  
Post Office Box 400  
Valdese, North Carolina 28690-0400  
Telephone: (828) 879-2001  
Facsimile: (828) 879-8355